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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Iturgoyen Sabando

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BLANK ROME LLP

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WASHINGTON, DC 20037

EXAMINER

KEE, FANNIE C

ART UNIT

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3679

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,931	Applicant(s) SABANDO ET AL.	
	Examiner FANNIE KEE	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites "a male member having...an inclined surface leading from the circumferential groove...said first sealing member being located on said inclined surface". What does Applicant mean by "inclined surface"? How does this inclined surface lead from the circumferential groove? Where does it lead from and where does it lead to? With regard to inclined, inclined relative to what and in what sense? Is it inclined downward or inclined upward, or forward, etc..? It is unclear what Applicant means by an inclined surface leading from the circumferential groove. As best understood by Examiner, the inclined surface is a change in configuration of the circumferential groove and that any convenient surface which is inclined with respect to the circumferential groove would meet the limitation of this claim.

Claim 7 also recites the limitation "said first and second sealing members" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 further recites in lines 11-12, “first and second sealing members disposed between said first and second circumferential protrusions”. Applicant appears to be re-claiming that which has been previously claimed. Or are these additional sealing members which are being claimed in addition to the sealing members claimed previously? However, it does not appear as though Applicant is claiming additional sealing members. Therefore, Applicant has a duplicate limitation in the claim which needs to be either further explained or deleted.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5, 7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki et al U.S. Patent No. 5,882,048.

With regard to claim 3, and as shown in Figure 25(C) below, Kawasaki et al disclose a quick connecting device for ducts in motor vehicles, comprising of:

a female member having first and second opposite ends, and an outer surface with first and second circumferential protrusions;

a male member having first and second opposite ends;

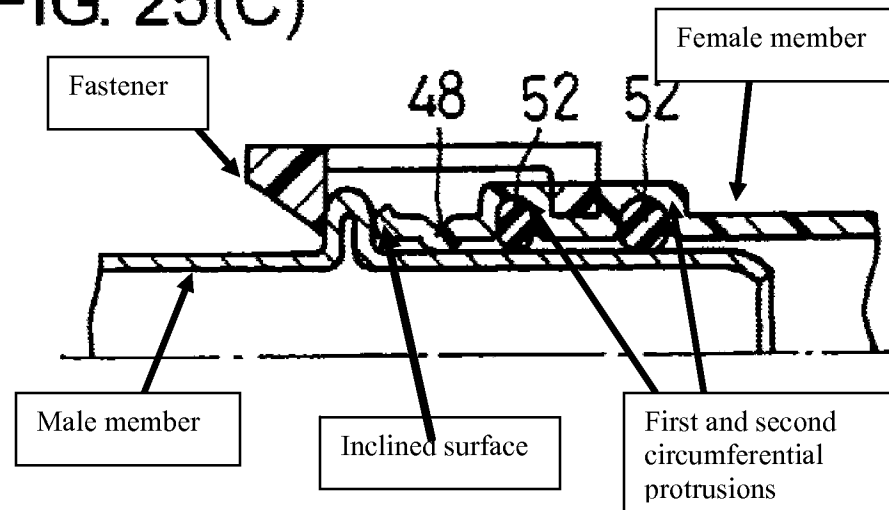
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first and second sealing members (52, 52) disposed between said first and second circumferential protrusions, respectively, of said female member and said outer surface of said male member; and

a fastening member disposed around said female and male members so as to be in direct contact with the first circumferential protrusion in a manner that compresses the first sealing member, the fastening member thereby holding said female and male members axially in place.

However, Kawasaki et al do not disclose that the outer surface of the male member has a circumferential groove wherein said male member is receivable in said female member at said first end of said female member without said first end of said female member covering said circumferential groove. However, it is well known in the art to add a bead to a pipe to form a groove or a stop against which a fastener can rest. Kawasaki et al teach, in a different embodiment as shown in Figure 26, that a bead (48) can be formed on the pipe to form a groove between the bead and the upset of the pipe.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed a bead in a male pipe such that a circumferential groove is formed between the bead and upset of the male pipe wherein when the male member is received in the female member at the first end of the female member, the first end of the female member does not cover the circumferential groove because it is well known in the art to add a bead to a pipe to form a groove or a stop against which a fastener can rest.

FIG. 25(C)

With regard to claim 5, Kawasaki et al disclose said first and second sealing members (52, 52) being first and second gaskets, respectively.

With regard to claim 7, and as shown in Figure 25(C) above, Kawasaki et al disclose a quick connecting device for ducts in motor vehicles, comprising of:

a female member having first and second opposite ends, and an outer surface with first and second circumferential protrusions;

a male member having first and second opposite ends, said male member being receivable in said female member at said first end of said female member with said first and second sealing members (52, 52) respectively disposed between said first and second protrusions of said female member and said outer surface of said male member, and

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first and second sealing members (52, 52) disposed between said first and second circumferential protrusions, respectively, of said female member and said outer surface of said male member; and

a fastening member disposed around said female and male members so as to be in contact with the first circumferential protrusion in a manner that compresses the first sealing member, the fastening member thereby holding said female and male members axially in place.

However, Kawasaki et al do not disclose that the outer surface of the male member has a circumferential groove with an inclined surface leading from the circumferential groove wherein the first sealing member is located on the inclined surface and wherein said male member is receivable in said female member at said first end of said female member without said first end of said female member covering said circumferential groove. However, it is well known in the art to add a bead to a pipe to form a groove or a stop against which a fastener can rest. Kawasaki et al teach, in a different embodiment as shown in Figure 26, that a bead (48) can be formed on the pipe to form a groove between the bead and the upset of the pipe. Kawasaki et al also show in Figure 25(C) that there is an inclined surface leading from the circumferential groove (side of upset of male member) where the male and female members can be shortened such that the first sealing member can rest against the inclined surface of the circumferential groove of the male member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed a bead in a male pipe such that a circumferential groove is formed between the bead and upset of the male pipe wherein when the male member is received in the female member at the first end of the female member, the first end of the female member does

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not cover the circumferential groove because it is well known in the art to add a bead to a pipe to form a groove or a stop against which a fastener can rest and to have shortened the length of the male and female members such that the first sealing member can rest against the inclined surface of the circumferential groove of the male member because the optimization of proportions in a prior art device is a design consideration within the skill of the art. In re Reese, 290 F.2d 839, 129 USPQ 402 (CCPA 1961).

With regard to claim 9, Kawasaki et al disclose said first and second sealing members (52, 52) being first and second gaskets, respectively.

With regard to claim 11, Kawasaki et al disclose the claimed invention but do not disclose that said first circumferential protrusion is of a larger diameter around the said female member than said second circumferential protrusion.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the first circumferential protrusion to be of a larger diameter around the female member than the second circumferential protrusion because a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

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5. Claims 4, 6, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki et al in view of Crisp U.S. Patent No. 464,338.

With regard to claims 4, 6, 8, and 10, Kawasaki et al disclose the claimed invention but do not disclose that the fastening member is a fastening clip or that it includes first and second substantially U-shaped coupling portions, one of said first and second coupling portions being received in said circumferential groove of said male member and the other of said coupling portions being fitted into the groove defined between the first and the second circumferential protrusions of the female member. Crisp teaches that a fastening member can be a clip having first and second substantially U-shaped coupling portions which can be used as it is a simple and durable device capable of being expeditiously and conveniently applied to bind the male and female parts together (column 1, lines 9-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have fabricated the fastening member as a fastening clip with first and second substantially U-shaped coupling portions as it is a simple and durable device capable of being expeditiously and conveniently applied to bind the male and female parts together as taught by Crisp.

Response to Arguments

6. Applicant's arguments with respect to claims 3-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FANNIE KEE whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/
Primary Examiner, Art Unit 3679

/F. K./
Examiner, Art Unit 3679